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Of attorneys for plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**VOLTAGE PICTURES, LLC**, a California  
Limited Liability Company, and  
**DALLAS BUYERS CLUB, LLC**, a Texas  
Limited Liability Company,

Plaintiffs,

v.

**PETER PECSOK,**

Defendant.

Case No.: 3:14-CV-01407-AC

DECLARATION OF COUNSEL  
IN SUPPORT OF MOTION FOR COSTS  
AND FEES

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Under penalty of perjury I, Carl D. Crowell, hereby state as follows:

1. I am an attorney admitted to practice in Oregon and plaintiffs' counsel in this matter.
2. All matters in this declaration are submitted through personal knowledge and belief.
3. I have been an attorney practicing since 1998.
4. I am admitted to practice before numerous courts and before the United States Patent and Trademark Office as a Patent Attorney.
5. I have litigated cases in Oregon, California, Hawaii, and Florida and have worked overseas in international disputes in Vietnam, China and The Philippines and other countries.
6. My usual hourly rate for work in the nature of this case is \$350 - \$450.00 per hour and approximately half of all of my work is at the \$450.00 rate.

7. According to the 2012 Oregon State Bar Economic Survey, the average hourly rate for an attorney with 15 years experience in the Portland area is \$312.00.

8. According to the AIPLA (American Intellectual Property Law Association) Report of the Economic Survey 2013, the average hourly billing rate for an attorney of my experience in 2012 was \$481.00. AIPLA 2013 Econ. Survey (Q35), p. I-34.

9. My experience is that an upward adjustment to at least the 75% percentile is proper for parties with specialized experience such as being a Patent Attorney, and the 75% percentile for attorneys with 15 years of experience is \$379.00 according to the 2012 Oregon State Bar Economic Survey.

10. I rely on the averages for the Portland area in part due to the fact that under Business / Corporate Litigation, there is simply not a sufficient statistical model for the “Upper Valley” region.

11. Attorney fees sought in this case have been specifically limited to the time necessary and related to this particular defendant. To the extent there has been time spent which advanced more than one case, it is specifically divided and apportioned among the cases as noted in the submitted time account in Exhibit 1.

12. Further additional time has been spent on this case beyond the bare minimum to attempt to allow the defendant to fully participate and to ensure that all possible steps were taken to avoid a non-labile party being brought into this matter.

13. Attached as Exhibit 1 is a record of actual and necessary time spent by me on this matter accounting for 10.5 hours.

14. I believe the sum of \$3,276.00 for 10.5 hours of work in this matter is reasonable.

15. Filed with this declaration as Exhibit 2 is a verified Bill of Costs for costs in the amount of \$515.00, necessarily incurred in this matter, including \$55.00 paid to effect personal service on the defendant and \$70.00 in fees paid to Comcast for subpoenaed data and the \$400 filing fee for the filing of this action.

16. In conversations with the defendant he personally confirmed he maintained a secure internet connection and confirmed that that he was responsible for the termination of observed infringing activity on notice of this suit, was unable to identify any other possible parties that may have used his internet and declined to further participate in investigation or review of this activity.

17. In this matter once served the defendant become non-responsive. A default notice was dispatched to the defendant and filed with the court, but the defendant continued to ignore this matter.

18. Based on my conversations with the defendant I do not believe the defendant is in the active military service, but I do not have a date of birth or social security number for independent confirmation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED March 22, 2015.

CROWELL LAW

/s/ Carl D. Crowell  
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